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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,788	09/05/2006	Marina Alekseevna Vinogradova	8047-1	4279
29858 7590 01/09/2009 THELEN REID BROWN RAYSMAN & STEINER LLP PO BOX 640640 SAN JOSE, CA 95164-0640				
EXAMINER SAVAGE, MATTHEW O				
ART UNIT 1797		PAPER NUMBER		
MAIL DATE 01/09/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/591,788

Applicant(s)

VINOGRADOVA ET AL.

Examiner

Matthew O. Savage

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations recited in claims 7-12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Concerning claim 1, "The filtering device" lacks antecedent basis.

Regarding claim 3, "the width" lacks antecedent basis.

Concerning claim 4, it is uncertain as to what dimension "L" refers to.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to adequately disclose how to construct the structure recited in claims 9-12. In particular, the particular structure of the lid has not been adequately illustrated or described.

The specification fails to adequately disclose how to construct and use the structure recited in claims 13-15. In particular, it is unclear as to how openings alone can be used to indicate a particular point in time. In addition, it is uncertain as to how the openings shown in FIG. 6 are formed since closed portions of the letters would be left unsupported.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nieweg.

With respect to claim 1, Nieweg discloses a body 2 filled with a filtering material 5 and having at least one outlet 9 in a base of the body, a lid 3 provided with a water inlet 4 and an air outlet 11 and at least one fixing means 7 disposed between the body and the lid, characterized in that the fixing means has at least one valve 11 or 12.

As to claim 2, Nieweg discloses a valve having a circular or linear shape which each includes a ratio that falls within the claimed range.

As to claim 3, Nieweg discloses the width of the valve as increasing at least two times (see FIG. 5, the width increasing by a factor of 2.66 in radially outward direction).

Concerning claim 4, Nieweg discloses a width that falls within the claimed range in the case that the circular hole 12 is taken as the valve.

Regarding claim 5, Nieweg includes a body with a cuff 2a.

Regarding claim 9, Nieweg includes lid with a cuff 34

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6-8 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nieweg in view of Serenko et al.

With respect to claims 6-8, Nieweg fails to specify the cone-shaped cuff having at least one collar on the external surface thereof. Serenko et al discloses an analogous filter including a cone-shaped collar 47 having a collar on the external surface thereof (e.g., formed at the radially outermost and uppermost rim of part 47) and suggests that such an arrangement provides a liquid tight seal between the body and the lid of the filter. It would have been obvious to have modified the filter of Nieweg so as to have included the cuff and collar as suggested by Serenko et al in order to provide a liquid tight seal between the body and cover.

With respect to claims 10-12, Nieweg fails to specify the cone-shaped cuff having at least one collar on the external surface thereof. Serenko et al discloses an analogous filter including a cone-shaped collar 34 having a collar on the external surface thereof (e.g., formed at the radially outermost and uppermost rim of part 47) and suggests that such an arrangement provides a liquid tight seal between the body and the lid of the filter. It would have been obvious to have modified the filter of Nieweg so as to have included the cuff and collar as suggested by Serenko et al in order to provide a liquid tight seal between the body and cover.

With respect to claim 13, Nieweg fails to specify air outlets configured to provide a possibility to determine time when the device is mounted and/or replaced. Serenko et al discloses air outlets 58 configured as lines that provide a possibility to determine time

when the device is mounted and/or replaced when used in conjunction with a pointer 64 (see FIGS. 5 and 6 and lines 12-14 of col. 7). It would have been obvious to have modified the filter of Nieweg so as to have included the air outlets of Serenko et al in order to determine the time when the device is mounted and/or replaced.

As to claims 14 and 15, Serenko et al discloses outlets in the form of numbers and letters (e.g., the number I or letter I).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O. Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Matthew O Savage/
Primary Examiner
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